

## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

The Honorable Fred Risser  
President, Wisconsin State Senate  
Room 218 South, State Capitol  
Madison, Wisconsin 53707

January 4, 1999

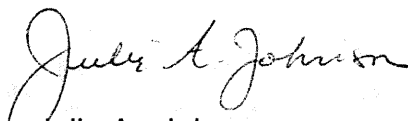
The Honorable Scott Jensen  
Speaker, Wisconsin State Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 101**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 98-185**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-185**, relating to **demerit point assessment for operating after suspension and revocation offenses**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

  
Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)  
Senator Judy Robson  
Representative Glenn Grothman  
Gene Kussart  
Roger Cross  
Anna Biermeier  
John Alley

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**CR 98-185**

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The Wisconsin Department of Transportation proposes an order to renumber TRANS 101.02(1)(c); and renumber and amend TRANS 101.02(1)(d), relating to demerit point assessment for operating after suspension and revocation offenses.

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**REPORT OF THE DEPARTMENT OF TRANSPORTATION  
ON THE FINAL RULE DRAFT**

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This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

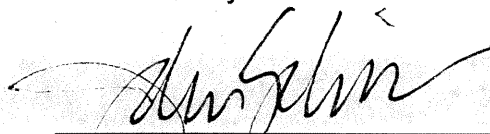
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



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JOHN SOBOTIK  
Assistant General Counsel  
Office of General Counsel  
Department of Transportation  
Room 115-B, Hill Farms State  
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## **PART 1**

### **Analysis Prepared by the Wisconsin Department of Transportation**

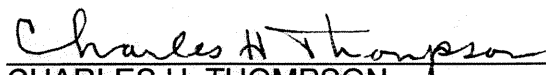
**STATUTORY AUTHORITY:** s. 343.32(2)(bg), Stats., as amended by 1997 Wisconsin Act 84, and made effective pursuant to s. 85.515, Stats., as created by 1997 Wisconsin Act 84 by publication of a notice in the Wisconsin Administrative Register on July 1, 1998.

**STATUTES INTERPRETED:** s. 343.32(2)(bg), Stats., as amended by 1997 Wisconsin Act 84.

**General Summary of Proposed Rule.** Section 58 of 1997 Wisconsin Act 84 requires the Department to assess three rather than six demerit points to drivers who are convicted of operating after suspension or revocation, or operating a commercial motor

**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 15 day of December, 1999.



CHARLES H. THOMPSON

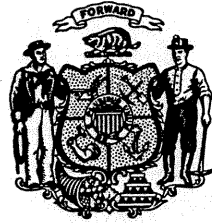
Secretary

Wisconsin Department of Transportation

***RULES CLEARINGHOUSE***

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**PART 3**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-185**

AN ORDER to renumber Trans 101.02 (1) (c), relating to demerit point assessment for operating after suspension and revocation offenses.

Submitted by **DEPARTMENT OF TRANSPORTATION**

11-13-98      RECEIVED BY LEGISLATIVE COUNCIL.  
12-10-98      REPORT SENT TO AGENCY.

RS:RJC:jal;kjf

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☐

NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☒

NO ☐

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☒

NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

NO ☒

# WISCONSIN LEGISLATIVE COUNCIL STAFF

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## CLEARINGHOUSE RULE 98-185

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### 3. Conflict With or Duplication of Existing Rules

SECTION 58 of 1997 Wisconsin Act 84 lowers the demerit points for convictions relating to operating a motor vehicle while revoked, suspended or disqualified from six points to three. SECTION 1 of the rule effectively lowers the demerit points from six to three for convictions for operating while revoked or suspended by renumbering s. Trans 101.02 (1) (c). However, it appears that current s. Trans 101.02 (1) (d), which assesses six demerit points for operating a commercial motor vehicle while disqualified, may also need to be renumbered so as to effect the apparent legislative intent expressed in SECTION 58 of Act 84 of having those violations subjected to three demerit points. Section Trans 101.02 (1) (d) should be reviewed to determine whether its current placement complies with the intent of Act 84.

### 5. Clarity, Grammar, Punctuation and Use of Plain Language

In the relating clause of the rule, the term "ss." before the second reference to "343.32, Stats." should be changed to "s."

**PART 4**  
**CR 98-185**

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**ANALYSIS OF FINAL DRAFT OF TRANS 101**

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(a) **Need for Amended Rule.** Section 58 of 1997 Wisconsin Act 84 requires the Department to assess three rather than six demerit points to drivers who are convicted of operating after suspension or revocation, or operating a commercial motor vehicle while disqualified or out of service. This rule making simply amends ch. Trans 101 to conform to this statutory requirement.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** The Legislative Council report made only two recommendations, both of which have been incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis.** This regulatory change has no impact on small business.